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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/345,799	01/16/2003	Dinesh C. Seksaria	99-2083	4670

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EXAMINER

STRIMBU, GREGORY J

ART UNIT PAPER NUMBER

3634

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Interview Summary

Application No.

10/345,799

Applicant(s)

SEKSARIA ET AL.

Examiner

Gregory J. Strimbu

Art Unit

3634

All participants (applicant, applicant's representative, PTO personnel):

(1) Gregory J. Strimbu.

(3) \_\_\_\_\_

(2) Grant E. Coffield.

(4) \_\_\_\_\_

Date of Interview: 21 July 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 1.

Identification of prior art discussed: Bourgon.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Suggested that the applicant amend the claims to set forth that the inner and outer panels form a cavity therebetween, that the channel of the carrier beam faces the inner panel and that the inner panel is directly connected to the inner panel to better define the invention and to possibly overcome the art of record. Applicant agreed to submit a response in accordance with after final practice.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

GREGORY J. STRIMBU  
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Dynamic network information (column 9, lines 32-35, Naveh discloses the Repository 600 is a directory compatible with Lightweight Directory Access Protocol (LDAP), and the application-specific parameters are added dynamically using LDAP);

A policy manager coupled to the model to manage deployment of at least one policy to a set of devices in a network based on the dynamic network information (figure 2; column 7, lines 22-25, Naveh discloses a plurality of network end stations, such as end station 212 and print server 214, are coupled to the LANs. The network further includes at least one policy server 216 that may be coupled to a repository 218).

As to claim 2, Naveh teaches the tool of claim 1 wherein the policy manager comprises a policy to restrict certain types of traffic at multiple points within the network via a topology-based analysis of the network (column 7, lines 61-66, Naveh discloses intermediate network devices 208, 210 provide basic bridging functions including filtering of data traffic by MAC address...and forward of the frame based upon a destination MAC address or route information field RIF).

As to claim 3, Naveh teaches the tool of claim 1 wherein the policy manager comprises a policy to queue, buffer, or prioritize certain types of traffic at multiple points within the network based on an analysis of traffic found on various portions of the network (table 1; column 12, lines 65-67, Naveh discloses the ACPs identify and define one or more types of traffic flows or classes that are produced by application).

As to claim 4, Naveh teaches the tool of claim 1 wherein the policy manager comprises a policy to prioritize traffic, wherein the policy automatically selects the prioritization mechanism based on the protocol and/or media the traffic traverse (column 14, lines 14-17, Naveh discloses the policy manager uses the policy system to store the mappings in the Repository, and an application uses an access protocol such as LDAP to retrieve a mapping from the Repository).

As to claim 8, Naveh teaches the tool of claim 1 wherein the policy manager creates access control list to control traffic through edge devices in the network based on a topology analysis of the network (figure 2).

As to claim 9, Naveh teaches the tool of claim 1 wherein the dynamic network information comprises a network topology, network statistical information, or network traffic information (column 8, lines 8-10, Naveh discloses...embodiment discloses in this document will operate with other, possibly far more complex, network topologies).

As to claim 11, Naveh teaches the tool of claim 1 wherein the policy manager comprises a policy to selectively configure a set of devices based on an analysis of the traffic processed by the set of devices (see abstract, Naveh discloses...the policy is enforced at the network device in response to receiving traffic from the application program that matches the traffic flow type...).

Claims 13-17, 20, 21, 23 and 25-28 do not teach or define any new limitations above claims 1-4, 8, 9 and 11, and therefore are rejected for similar reasons.

**4. Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5,6, and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Naveh U.S. 6,466,984 in view of Craddock U.S. 6,351,771.

Naveh teaches the invention substantially as claimed including method and apparatus for policy-based management of quality of service treatments of network data traffic flows by integrating policies with application programs (see abstract).

As to claim 5, Naveh teaches the tool of claim 1.

Naveh fails to teach a policy to monitor response time of content transfer between one or more primary servers and a device in the network and replicate content of the primary servers to at least one other server when the content time of a primary server exceeds a predetermined metric.

However, Craddock teaches distributed service network system capable of transparently converting data formats and selectively connecting to an appropriate bridge in accordance with clients characteristics identified during preliminary connections. Craddock teaches a policy to monitor response time of content transfer between one or more primary servers and a device in the network and replicate content of the primary servers to at least one other server when the content time of a primary server exceeds a predetermined metric (column 6, lines 5-14, Craddock discloses...whether to replicate the personal agent at the remote region is based upon a suitable preselected quality of service metric and can include a consideration of: the communication latency between the remote region...the length of the time the user is expected to require access to the data at the local region...).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Naveh in view of Craddock to create a policy to monitor response time of content transfer between one or more primary servers and a device in the network and replicate content of the primary servers to at least one other server when the content time of a primary server exceeds a predetermined metric. One would be

motivated to do so to provide better performance achievement through distributing file read operations among file system replicas.

As to claim 6, Naveh teaches the tool in claim 1.

Naveh fails to teach the policy manager comprises a policy to monitor the performance of one or more primary servers and replicate content of the primary servers to at least one other server when the performance metrics of a primary server exceeds a predetermined value.

Craddock teaches the policy manager comprises a policy to monitor the performance of one or more primary servers and replicate content of the primary servers to at least one other server when the performance metrics of a primary server exceeds a predetermined value (column 6, lines 5-14, Craddock discloses...whether to replicate the personal agent at the remote region is based upon a suitable preselected quality of service metric and can include a consideration of: the communication latency between the remote region...the length of the time the user is expected to require access to the; the amount of data the user requires access to....).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Naveh in view of Craddock to create the policy manager comprises a policy to monitor the performance of one or more primary servers and replicate content of the primary servers to at least one other server when the performance metrics of a primary server exceeds a predetermined value. One would be motivated to do so to provide better performance achievement through distributing file read operations among file system replicas.

As to claim 10, Naveh teaches the tool of claim 1.

Naveh fails to teach a policy to replicate content of a first device to a second device when the content response time of the first device exceeds a predetermined metric.

However, Craddock teaches a policy to replicate content of a first device to a second device when the content response time of the first device exceeds a

predetermined metric (column 6, lines 5-14, Craddock discloses...whether to replicate the personal agent at the remote region is based upon a suitable preselected quality of service metric and can include a consideration of: the communication latency between the remote region...the length of the time the user is expected to require access to the data at the local region...).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Naveh in view of Craddock to create a policy to replicate content of a first device to a second device when the content response time of the first device exceeds a predetermined metric. One would be motivated to do so that better performance can be achieved through distributing file read operations among file system replicas.

Claims 18, 19, 22, 29 and 30 do not teach or define any new limitations above claims 5, 6 and 10, and therefore are rejected for similar reasons.

6. Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naveh U.S. 6,466,984 in view of Chung et al. U.S. 6,266,781.

Naveh teaches the invention substantially as claimed including method and apparatus for policy-based management of quality of service treatments of network data traffic flows by integrating policies with application programs.

As to claim 7, Naveh teaches the tool of claim 1.

Naveh fails to teach the policy manager comprises a policy to monitor the health of one or more primary servers in the network, to replicate content of the primary servers to at least one other server when a primary server experiences a fault, and to configure the other server to emulate the primary server.

However, Chung teaches a policy to monitor the health of one or more primary servers in the network, to replicate content of the primary servers to at least one other



server when a primary server experiences a fault, and to configure the other server to emulate the primary server (column 3, lines 16-29, Chung discloses a watchdog daemon process, running on the same host computer as the registered application module to detect failures...the failed application module cannot be restarted on its own host computer, one of the running backup copies of the primary application module is designed as the new primary application module...).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Naveh in view of Chung to create a policy to monitor the health of one or more primary servers in the network, to replicate content of the primary servers to at least one other server when a primary server experiences a fault, and to configure the other server to emulate the primary server. One would be motivated to do so to allow each application module running on that host computer is individually failure-protected in accordance with its registered replication style and degree of replication (see abstract).

As to claim 12, Naveh teaches the tool of claim 1.

Naveh fails to teach a policy to replicate content of a first device to a second device when the first device experiences a fault and to configure the second device to emulate the first device.

However, Chung teaches a policy to replicate content of a first device to a second device when the first device experiences a fault and to configure the second device to emulate the first device (column 3, lines 16-29, Chung discloses a watchdog daemon process, running on the same host computer as the registered application module to detect failures...the failed application module cannot be restarted on its own host computer, one of the running backup copies of the primary application module is designed as the new primary application module...).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify Naveh in view of Chung to create a policy to replicate content of a first device to a second device when the first device experiences a fault and to configure the second device to emulate the first device. One would be motivated to do so to allow each

application module running on that host computer is individually failure-protected in accordance with its registered replication style and degree of replication (see abstract).

Claim 24 do not teach or define any new limitations above claims 7 and 12, and therefore is rejected for similar reasons.

**7. Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 703-306-4153. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall  
Patent Examiner



**SALEH NAJJAR  
PRIMARY EXAMINER**

